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11 AND INNA BADRAN

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

TAMARA MORRIS, MARY
RUSSELL, DESIRE VALDEZ, AND
INNA BADRAN,

PLAINTIFFS,

V.

PORFOLIO RECOVERY
ASSOCIATES, LLC, A CALIFORNIA
LIMITED IABILITY COMPANY;
AND DOES 1-10, INCLUSIVE,

DEFENDANTS.

CASE NO.

COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF TELEPHONE
CONSUMER PROTECTION ACT, 47
U.S.C. §227, *ET SEQ.*

JURY TRIAL DEMANDED

For this Complaint, the Plaintiffs, by and through their undersigned counsel,
based on information garnered from Plaintiffs and investigations by their counsel,
hereby state as follows:

1 1. This action arises out of repeated violations of the Telephone Consumer
2 Protection Act, 47 U.S.C. §227, *et. seq.* (“TCPA”), and this court has original
3 jurisdiction of this civil action as one arising under the laws of the United States. 28
4 U.S.C. §1331; *see, Mims v. Arrow Fin. Serv., LLC*, 565 U.S. 132 S. Ct. 740, 181 L.
5 Ed.2d 881 (2012).

6 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1337.

7 3. Plaintiffs all satisfy Article III standing requirements, as all have
8 suffered concrete injury in the form of invasions of privacy from defendant's repeated
9 violations of the TCPA. *See, Van Patten v. Vertical Fitness Group*, Case No.3:12-cv-
10 01614 (9th Cir., 2017).

11 4. Venue is proper in this District pursuant to 28 U.S.C. §1331(b), in that
12 Defendant transacts business here and a substantial portion of the acts giving rise to
13 this action occurred here.

THE PARTIES

15 5. Plaintiff, Inna Badran, f/k/a Inna Spivak (hereafter, "Badran"), is an adult
16 individual residing in Los Angeles, California, and is a "person," as defined by 47
17 U.S.C. §153(39).

18 7. Plaintiff, Tamara Morris (hereafter “Morris”), is an adult individual
19 residing in Bakersfield, California, and they are each a “person,” as defined by 47
20 U.S.C. §153(39).

21 8. Plaintiff, Desire Valdez (hereafter, "Valdez"), is an adult individual
22 residing in Los Angeles, California, and is a "person," as defined by 47 U.S.C. 28
23 §153(39).

24 9. Plaintiff, Mary Russell (hereafter, "Russell"), is an adult individual
25 residing in Los Angeles, California, and is a "person," as defined by 47 U.S.C.
26 §153(39).

1 10. Defendant, Portfolio Recovery Associates, LLC, (hereafter, "PRA") is a
2 California limited liability company, formed in Delaware, and authorized to do
3 business in California, and operates regularly collecting consumer debts in this
4 Judicial District and throughout the state of California.

5 11. Does 1-10 (the “Collectors”) are individual collectors employed by PRA
6 and whose identities are currently unknown to the Plaintiffs. One or more of the
7 Collectors may be joined as parties once their identities are disclosed through
8 discovery.

9 12. PRA at all times acted by through one or more of the collectors.

BACKGROUND

12 13. PRA is one of the largest debt buyers in the nation, and one of the most
13 notorious for abusing consumers while ignoring state and federal consumer protection
14 laws. In fact, in 2015, the Consumer Finance Protection Bureau (“CFPB”) filed suit
15 against PRA, alleging a widespread practice of unfair, deceptive, and abusive debt
16 collection activity. The CFPB alleged that PRA routinely called consumers at such an
17 excessive and harassing rate, and that many consumers wound up paying for disputed
18 debts solely to stop the excessive calls from PRA. PRA ultimately agreed to enter into
19 a Consent Order with the CFPB, requiring PRA to pay over \$8 million in fines and
20 restitution to injured consumers. 2015 Consent Order, 2015-CFPB-0023.

21 15. Despite the Consent Order, PRA nevertheless continues to ignore the
22 prohibitions of the FDCPA, and its unfair and unlawful debt collection practices
23 persist to this day. In fact, the CFPB has received over 2,400 consumer complaints
24 since it took action against PRA, with the bulk of consumer complaining that PRA
25 barraged them with calls and ignored do-not-call directives.

1 16. In addition to those who complain to the government, there are
 2 thousands of others who lodge complaints on the internet about being bombarded with
 3 automated calls from PRA after requesting that the calls stop.

4 17. While ignoring do-not-call directives and barraging consumers with calls,
 5 PRA used an automated telephone dialing systems and/or an automated voice in
 6 violation of the TCPA.

7 18. Indeed, PRA's illegal calling campaigns resulted in an enormous
 8 exposure to liability, and PRA has found itself defending a veritable plethora of TCPA
 9 class actions, and hundreds on individual TCPA claims.

10 19. The PRA TCPA class actions were consolidated into a Multidistrict
 11 Litigation ("MDL"), and since then hundreds of individual claims have been
 12 transferred into the MDL. *See, In re: In re Portfolio Recovery Associates, LLC*
 13 Telephone Consumer Protection Act Litigation, Case No. 11-MD-2295-JAH-BGS, in
 14 the U.S. District Court for the Southern District of California. The PRA MDL was
 15 heavily litigated. After years of unsuccessfully defending the MDL, PRA ultimately
 16 PRA agreed to settle the TCPA class actions for \$18 million.

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18 PRA AND THE PLAINTIFFS

19 20. The PRA TCPA class action settlement identified over 7.4 million
 20 consumers who were called in violation of the TCPA, and Plaintiffs were among those
 21 identified as members of the class. Like the other members of the class, Plaintiffs
 22 received automated calls from PRA during the class period of November 2, 2006 and
 23 August 31, 2014, as defined in the PRA TCPA class action settlement. Plaintiffs each
 24 timely opted out of the class action to pursue their individual claims as asserted
 25 herein.

26 21. Although it was years ago, Plaintiffs each specifically recall being
 27 bombarded with unwanted calls from PRA. True to its pattern of unlawful conduct,

1 PRA systematically ignored each of Plaintiffs' do-not-call directives, and barraged
2 them with calls without their consent and over their objections. In fact, there was not a
3 single instance in which PRA honored a do-not-call directive from any of the
4 Plaintiffs.

5 22. Even after being told to stop calling, PRA bombarded Plaintiffs with calls
6 on an almost daily basis, multiple times a day, for weeks and months on end. The calls
7 began early in the mornings and persisted well into the evening hours. Plaintiffs
8 estimate they sometimes received upwards of fifteen calls from PRA in a single day.

9 23. PRA's calls to Plaintiffs were particularly bothersome because they were
10 automated. When Plaintiffs answered the calls, PRA sometimes used an automated
11 voice, and Plaintiffs were forced to wait in silence for an available representative with
12 whom they could speak. Other times Plaintiffs answered calls from PRA, and heard
13 only silence and PRA's telephone system never transferred them to a live
14 representative. Other times still, Plaintiffs answered and PRA's telephone system
15 terminated the call. When Plaintiffs did not answer, PRA clogged their voicemails
16 with blank and/or automated messages.

17 24. PRA added to Plaintiffs' frustration by calling from many different phone
18 numbers, and by blocking the caller identification such that Plaintiffs would not know
19 it was PRA calling. Plaintiffs sometimes blocked PRA's telephone number in an effort
20 to stop the calls, only to find that PRA would start calling them from a different phone
21 number.

22 25. Plaintiffs were often times met with rude and abusive representatives
23 when they asked that the calls stop. PRA representatives typically openly and openly
24 refused to honor Plaintiffs' do-not-call requests. Representatives sometimes insisted
25 the calls would, and could, continue until such time as the debt was paid. Some
26 representatives terminated the call when told to stop calling, other times

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1 representatives ignored the request all together and became loud and aggressive
2 attempting to bully Plaintiffs into making immediate payment.

3 26. Specifically, in or around 2011 and 2012, Plaintiff, Badran, received debt
4 collection calls from PRA on her cellular telephone in an attempt to collect a debt. Ms.
5 Badran advised PRA she was a victim of identity theft and instructed PRA to cease all
6 communications. PRA ignored Badran and continued to harass her with automated
7 calls.

8 28. In or around 2013, Plaintiff, Russell, began receiving automated calls
9 from PRA on her cellular telephone in an attempt to collect a debt. Ms. Russell
10 directed PRA to stop calling. PRA nonetheless continued to harass Ms. Russell with
11 automated calls.

12 29. In or around 2012, Plaintiff, Desire Valdez began receiving automated
13 calls from PRA in an attempt to collect a debt. Ms. Valdez told PRA representatives to
14 stop calling. PRA nonetheless continued to harass Ms. Valdez with automated calls.

15 30. In or around 2012, Plaintiff Tamara Morris began receiving automated
16 calls from PRA in an attempt to collect a debt. Ms. Morris told PRA representatives to
17 stop calling. PRA nonetheless continued to harass Ms. Valdez with automated calls.

18 31. The calls from PRA intruded on Plaintiffs' right to be free from
19 unwarranted invasions. By ignoring Plaintiffs' demands to stop calling, PRA caused
20 Plaintiffs, and each of them, frustration, aggravation, and distress. The calls from PRA
21 interfered with Plaintiffs' ability to use their cellular telephones in the manner in
22 which they were intended, interrupted important calls, wasted their time, interfered
23 with work days, disrupted them while driving, and disturbed quiet evenings and
24 family time.

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COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT -
47 U.S.C. §227, ET. SEQ.

32. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

33. PRA knowingly and/or willfully called Plaintiffs without their consent and or their objections.

34. Without prior consent, PRA placed calls to Plaintiffs using an automated telephone dialing system and/or an automated or prerecorded voice on their cellular telephones in violation of 47 U.S.C. §227(b)(1)(A)(iii).

35. Insofar as PRA knew it had no consent to call Plaintiffs on their cellular telephones, the calls were made in knowing and/or willful violation of the TCPA. As such, PRA should be subject to treble damages for each call pursuant to 47 U.S.C. §227(b)(3)(C).

36. When PRA called Plaintiffs, its telephone dialing system had the capacity to store randomly or sequentially generated telephone numbers, and randomly or sequentially dialed telephone numbers.

37. PRA's telephone system used an automated voice when it placed calls to Plaintiffs.

38. The calls from PRA to Plaintiffs were not placed for “emergency purposes” as defined by 47 U.S.C. §227(b)(1)(A)(i).

39. Plaintiffs are entitled to damages as a result of PRA's TCPA violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendants:

1. As a result of each call made in negligent violation of the TCPA, Plaintiffs, and each of them, are entitled to an award of \$500.00 in statutory damages

1 per call, pursuant to 47 U.S.C. §227(b)(3)(B);

2 2. As a result of each call made in knowing and/or willful violation of the
3 TCPA, Plaintiffs, and each of them, are entitled to an award of treble damages in an
4 amount up to \$1,500.00 per call, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C.
5 §227(b)(3)(C);

6 3. An Order from the Court directing PRA to implement effective policies
7 and procedures to honor consumers' do-not-call directives;

8 4. An Order from the Court directing PRA to implement effective
9 procedures to avoid violations of the TCPA; and

10 5. Reasonable attorneys' fees and costs pursuant to Cal. Civ. Code §1021.5;
11 and

12 6. Such other and further relief as may be just and proper.

14 | DATED: June 7, 2017 TAMMY HUSSIN

By: /s/ Tammy Hussin
Tammy Hussin, Esq.
Hussin Law
Attorney for Plaintiffs